

Notice of Allowability

Application No.

10/612,203

Examiner

Abolfazi Tabatabai

Applicant(s)

DALEY ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on July 2, 2003.
2. ☒ The allowed claim(s) is/are 1, 2, 3 6-26(now renumbered 1-24).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/2/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGEWU
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

2. Authorization for this Examiner's amendment was given in a telephone interview with Applicant's Attorney (Mr. Scott A. Horstemeyer, with Reg. No. 34,183), on Wednesday October 11, 2006, without traverse.

3. **Canceled claims 4 and 5.**

Drawings

4. **The drawings were received on July 2, 2003. The Examiner accepts these drawings.**

Information Disclosure Statement

5. **The information disclosure statement (IDS) submitted on July 2, 2003 is being considered by the Examiner.**

Allowable Subject Matter

6. The following is an Examiner's statement of reasons for allowance.

The prior art of record fails to teach or suggest, systems and methods for inspecting natural or manufactured products comprises (a) generating a contrast image as a function of the reference value and the sample image, the contrast image being

indicative of deviations of the sample image from the reference value, the contrast image comprising a red component deviation value; a green component deviation value; a blue component deviation value; determining an acceptability level of the sample food product, the acceptability level being a function of the red component deviation value; the green component deviation value; and the blue component deviation value in combination into other features and elements of claims 1 and 2; (b) generating contrast data as a function of the reference data and the sample data, the contrast data having contrast features, the contrast features representing deviations between the sample features and the reference features; and determining an acceptability level of the sample product from the generated contrast data in combination into other features and elements of claims 3, 6 and 23.

7. Claims 1, 2, 3, 6-26 (now renumbered 1-24) are allowed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citation of Relevant Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Windham et al (U. S. 6,587,575 B1) disclose method and system for contaminant detection during food processing.

Fazzari et al (U. S. 5,659,624) disclose high speed mass flow food sorting

apparatus for optically inspecting and sorting bulk food products.

Tao (U. S. 5,960,098) disclose defective object inspection and removal systems and methods for identifying and removing defective objects.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (571) 272-7458.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Jingge Wu, can be reached at (571) 272-7429. The fax phone number for organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

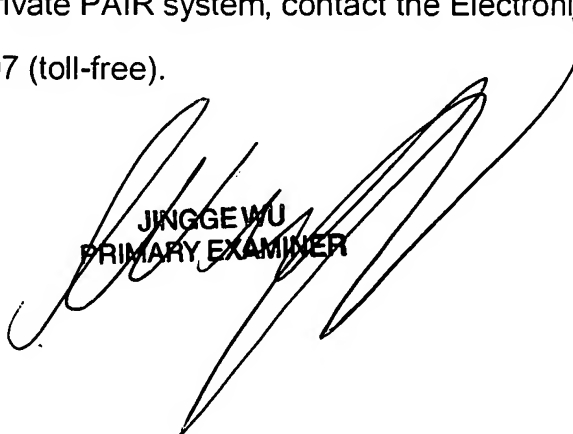
Abolfazl Tabatabai

Patent Examiner

Technology Division 2624

October 11, 2006

A-Tabatabai


JINGGE WU
PRIMARY EXAMINER